

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
MANUEL VERA BETANCOURT,)	
)	
Petitioner,)	
)	
v.)	C.A. No. 04-11876-RCL
)	
JOHN ASHCROFT, Attorney)	
General for the United)	
States, et al.)	
)	
Respondents.)	
_____)	

NOTICE OF RELEASE AND MOTION TO DISMISS

In response to the Court's Order dated August 1, 2005, the United States hereby provides notice to the Court that the United States Department of Homeland Security, Immigration and Customs Enforcement ("DHS"), released the Petitioner, Manuel Vera Betancourt, from its custody on March 15, 2005, from the Plymouth County House of Corrections subject to certain conditions. See Exhibit A.

The relief sought by Petitioner was to be released from DHS custody. Because Petitioner is no longer in DHS custody, this action is now moot. See North Carolina v. Rice, 404 U.S. 244, 246 (1971) (federal courts lack constitutional power to decide "questions that cannot affect the rights of litigants in the case before them."); United States v. Reid, 369 F.3d 619, 624 (1st Cir. 2004) (a justiciable controversy that existed at one time, but no longer remains, is moot). Accordingly, the Court should dismiss the petition for mootness.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Damian W. Wilmot
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Dated: August 10, 2005

CERTIFICATION UNDER L.R. 7.1

I certify that in accordance with Local Rule 7.1, on August 10, 2005, I have conferred with Petitioner's counsel and he does not object to this Motion.

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney